

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CALVIN F. QUATE and DAVID STERN
Junior Party
(Patent 6,480,324)¹

v.

FRANCESCO CERRINA, MICHAEL R. SUSSMAN,
FREDERICK R. BLATTNER, SANGEET SINGH-GASSON
and ROLAND GREEN
Senior Party
(Application 09/637,891)²

Patent Interference No. 105,446
(Technology Center 1600)

Before LEE, LANE and MOORE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment -- Request for Adverse -- Bd. R. 127(b)

¹ Based on Application 09/880,058, filed June 14, 2001. Accorded the benefit of Application 09/318,775, filed May 26, 1999; Application 60/087,333, filed May 29, 1998. The real party in interest is Affymetrix, Inc.

² Filed August 9, 2000. Accorded the benefit of Application 09/253,460, filed February 22, 1999; Application 60/075,641, filed February 23, 1998. The real party in interest is Wisconsin Alumni Research Foundation and NimbleGen Systems, Inc.

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1 On November 21, 2007, junior party Quate submitted a paper abandoning the contest in
2 this interference. The submission is regarded as a request for adverse judgment. 37 CFR
3 § 41.127(b)(4). The request is **granted**. It is

4 **ORDERED** that judgment on priority as to the subject matter of Count 2 is herein
5 entered against junior party CALVIN F. QUATE and DAVID STERN;

6 **FURTHER ORDERED** that patent claims 1-13 of junior party CALVIN F. QUATE and
7 DAVID STERN, which correspond to Count 2, are herein cancelled;

8 **FURTHER ORDERED** that application claims 1-17, 19-36, 38 and 39 of senior party
9 FRANCESCO CERRINA, MICHAEL R. SUSSMAN, FREDERICK R. BLATTNER,
10 SANGEET SINGH-GASSON and ROLAND GREEN, which correspond to Count 2, are herein
11 finally refused;³

12 **FURTHER ORDERED** that if there is a settlement agreement, the parties should note
13 the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and
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³ Those claims of the senior party have been determined unpatentable pursuant to decision on interlocutory motions dated October 23, 2007. See Paper 73.

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1 **FURTHER ORDERED** that a copy of this judgment be placed in the respective
2 involved application or patent of the parties.

/ss/ Jameson Lee
JAMESON LEE
Administrative Patent Judge

/ss/ Sally G. Lane
SALLY G. LANE
Administrative Patent Judge

/ss/ James T. Moore
JAMES T. MOORE
Administrative Patent Judge

By Electronic Transmission:

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